

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Examine the  
Commission's Future Energy Efficiency Policies,  
Administration, and Programs.

Rulemaking 01-08-028  
(Filed August 23, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REGARDING NOTICES OF INTENT  
TO CLAIM COMPENSATION**

**1. Summary**

This ruling responds to the notices of intent to claim compensation (NOIs) filed in this docket by Women's Energy Matters (WEM) pursuant to Public Utilities Code, Article 5, Section 1804. This ruling grants WEM's motion to accept a late filing and its request for a finding of eligibility to seek intervenor compensation in this proceeding. Like all intervenors, WEM must demonstrate that its participation resulted in a substantial contribution to the proceeding by the unique presentation of facts or arguments that were relied upon by the Administrative Law Judge (ALJ) or Commission in resolving this proceeding.

**2. Motion to Accept Late-Filed NOI Background**

WEM filed a motion to accept its NOI late. No party responded to the motion. Under § 1804(a)(1), "[a] customer who intends to seek an award under this article shall, within 30 days after the prehearing conference is held, file and serve on all parties to the proceeding a notice of intent to claim compensation." It also permits the Commission to accept a late filing where a party could not

have reasonably identified issues within 30 days of the prehearing conference (PHC).

The Commission held a PHC on September 10, 2001. However, WEM did not file a motion to intervene in this case until November 20, 2001 and its motion was not granted until January 2002. WEM explains that its NOI is late due to lack of resources and inexperience with the Commission's procedural requirements. It is also reasonable to assume that WEM may not have known about the issues of interest to its constituency prior to its intervention. WEM makes a reasonable case that the Commission should accept its late filing and this ruling grants WEM's motion.

### **3. Statutory Requirements Relevant to WEM's NOI**

Section 1804(a)(2) sets forth those items that must be addressed in an NOI. Pursuant to Decision (D.) 98-04-059, this ruling must determine whether the intervenor is a customer, as defined in § 1802(b), and identify whether the intervenor is a participant representing consumers, or a representative authorized by a customer, or a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential ratepayers. If the customer category identified is "a representative authorized by a customer," the NOI should identify "the residential customer or customers that authorized him to represent that customer." That identification is needed because this category of customer "connotes a more formal arrangement where a customer, or a group of customers, selects a presumably more skilled person to represent the customers' views in a proceeding." (D.98-04-059, pp. 28-30.) Participation in Commission proceedings by parties representing the full range of affected interests is important. Such participation assists the

Commission in ensuring that the record is fully developed and that each customer group receives adequate representation.

Once the applicable definition of customer is identified, the correct standard of “significant financial hardship” can be applied. Only those customers for whom participation or intervention would impose a significant financial hardship may receive intervenor compensation. Section 1804(a)(2)(B) allows the customer to include a showing of significant financial hardship in the NOI. Alternatively, the required showing may be made in the request for award of compensation. Section 1802(g) defines “significant financial hardship.”

“Significant financial hardship” means either that the customer cannot without undue hardship afford to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation, or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.

#### **4. WEM’s NOI**

WEM meets the first definition of customer, as set forth in § 1802(b) because it is representing the interests of a customer, Ardys DeLu, in Pacific Gas and Electric Company’s (PG&E) territory. WEM represents that by inference it is representing the interests of all similarly-situated customers in PG&E’s territory who are concerned with PG&E’s energy efficiency programs and PG&E’s alleged conflict of interest in managing energy efficiency programs.

Section 1804(a)(2)(A)(i) requires NOIs to include a statement of the nature and extent of the customer’s planned participation in the proceeding to the extent this can be predicted. WEM states it had, at the time of its filing, already

participated in this proceeding on issues relating to utility administration, the design and operation of third party programs.

Section 1804(a)(2)(A)(ii) requires that NOIs include an itemized estimate of the compensation the customer expects to receive. WEM estimated a total projected budget of \$147,500 for this case, based on proposed hourly rates for its director, an attorney, paralegal assistance and consultant fees.

WEM seeks a finding of significant financial hardship because Ms. DeLu is a low-income ratepayer who was, at the time of filing, unemployed. WEM does not present any evidence of this claim. I will make a finding of significant financial hardship in this ruling, contingent upon WEM providing evidence of Ms. DeLu's financial status using official documents (for example, tax returns). WEM may provide that evidence in a supplemental motion or when it files its request for compensation. It may provide relevant information under seal.

**IT IS RULED** that:

1. Women's Energy Matters (WEM) represents a customer as that term is defined in § 1802(b) and has met the eligibility requirements of § 1804(a).
2. WEM must provide evidence that its client will experience significant financial hardship by participating in this proceeding as set forth herein.
3. WEM's motion to accept its notices of intent to claim compensation late is granted.

Dated July 1, 2003, at San Francisco, California.

/s/ KIM MALCOLM  
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Kim Malcolm  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Notices of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated July 1, 2003, at San Francisco, California.

/s/ HELEN FRIEDMAN  
Helen Friedman

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

